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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,962	03/22/2001	Ikuko Tachibana	1614.1148/HJS	2846
21171 7590 04/06/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER PATEL, NIKETA I	
			ART UNIT 2181	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/813,962

Applicant(s)

TACHIBANA ET AL.

Examiner

Niketa I. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6 and 14 is/are pending in the application.
- 4a) Of the above claim(s) 2-3, 5, 7-8, 11-13, 15, 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species II (Fig. 5- claims 1, 4, 6 and 14) in the reply filed on 03/06/2007 is acknowledged.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 6 and 14 rejected under 35 U.S.C. 102(e) as being anticipated by Dulberg et al. U.S. Patent Application Number: 2003/0005107 A1 (hereinafter "*Dulberg*".)
5. Referring to claims 1 and 14, *Dulberg* teaches, in taking claim 1 as exemplary, a remote maintenance apparatus used for maintenance of terminals connected to a network [see paragraphs 11-14], comprising: a first obtaining part which obtains configuration information, of hardware and software of terminals, sent from said terminals through said network [see

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paragraph 35, occurrence of a failure event is determined by remote analysis of data exported by the device; paragraph 36, one or more pre-defined profiles are provided, different such profiles may be associated with different failure events; paragraph 40, new data is acquired for one or more of the devices]; a storing part which stores said configuration information, of hardware and software obtained by said first obtaining part, while bringing said configuration information of hardware and software into correspondence with generation information [see paragraph 40, new data is acquired for one or more devices, for comparison to earlier acquired data and/or model data to detect possible reasons for failure; paragraph 42, 256-272]; a second obtaining part which obtains configuration information of hardware and software of a failed terminal which is associated with failure information which is sent from said failed terminal through said network, or, which obtains configuration information of hardware and software of said failed terminal by identifying the newest configuration information of hardware and software of said failed terminal which is stored in said storing part [see paragraph 40, new data is acquired for one or more devices, for comparison to earlier acquired data and/or model data to detect possible reasons for failure,]; and an extraction part which extracts difference information between configuration information obtained by said second obtaining part and configuration information stored in said storing part [see paragraphs 35-36, 40, 177-180]; wherein the remote maintenance apparatus can simultaneously manage configuration information of hardware and software of a plurality of terminals [see paragraphs 35-36, 40, 177-180].

6. Referring to claim 4, *Dulberg* teaches further comprising: an issuing part which issues, to a terminal, an instruction for said terminal to send configuration information when a configuration information ID sent from said terminal is not the same as the newest configuration

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information ID which is stored in said storing part; and wherein said first obtaining part obtains configuration information sent in response to said instruction [see paragraphs 40, 256-272.]

7. **Referring to claim 6**, *Dulberg* teaches further comprising: a collection part which collects start date and time information, and, end date and time information of maintenance work performed in terminals; and a generation part which generates evaluation information of maintenance work from said date and time information collected by said collection part [see paragraphs 35-36, 40, 177-180 and 256-272.]

Response to Arguments

8. Applicant's arguments with respect to claims 1, 4, 6 and 14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made of record to further show the state of the art as it pertains to remote maintenance system:

Richards et al. U.S. Pat. App. Pub. No.: 2002/0188706 A1

Bouvier et al. U.S. Patent Number: 5,961,594

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272 4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiner:



Niketa Patel

03/29/2007